

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

JOENELLIE MARTINEZ,

Plaintiff,
v.

DAVID MAHONEY,
Case No. 18-cv-246-wmc

Defendant.

Pro se plaintiff Joenellie Martinez is proceeding on an Eighth Amendment claim against defendant related to conditions at the Dane County Jail. On August 13, 2018, defendant filed a motion for summary judgment on exhaustion grounds, and the court set September 4, 2018, as plaintiff's deadline to oppose defendant's motion. Plaintiff failed to oppose the motion, request an extension or otherwise provide the court with an indication that he planned to oppose the motion. As such, on September 12, 2018, the court gave plaintiff until September 26, 2018, to file a response to defendant's motion for summary judgment, warning plaintiff that his failure to respond would result in dismissal of this lawsuit. Plaintiff's new deadline has passed and the court has heard nothing from plaintiff. Accordingly, the court is dismissing this case with prejudice for plaintiff's failure to prosecute. *See James v. McDonald's Corp.*, 417 F.3d 672, 681 (7th Cir. 2005).

ORDER

IT IS ORDERED that plaintiff Joenellie Martinez's claim is DISMISSED WITH PREJUDICE for failure to prosecute. The clerk of court is directed to enter judgment in defendant's favor and close this case.

Entered this 12th day of October, 2018.

BY THE COURT:

/s/

WILLIAM M. CONLEY
District Judge